



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC AFFIRMS WAIVER FOR WHOLE BODY SCANNING IMAGING SYSTEM USED FOR THE DETECTION OF WEAPONS OR EXPLOSIVES (ET Docket No. 04-373)

Washington, DC - As part of its ongoing efforts to promote innovative technology that furthers homeland security objectives, the Federal Communications Commission today affirmed a rule waiver permitting the certification and subsequent marketing and operation of L-3 Communications SafeView Inc. (L-3 SafeView) ProVision 100 security portal full-body imaging devices. This system is used to detect weapons or contraband carried on an individual's person, including non-metallic objects or explosives, which might otherwise require intrusive manual searches or be missed entirely by existing metal detectors.

The Office of Engineering and Technology (OET) first waived the rules for this device in 2006 when it issued an Order granting a waiver of the Part 15 rules for unlicensed devices to L-3 Communications Safeview Inc. By its Order, it permitted the measurement of radio frequency emissions from the ProVision 100 security portal with the frequency sweeping active (as in its normal operation), rather than with the sweep disabled, as prescribed by the rules. OET found that there would be no increase in the interference risk by performing the measurements with the sweep active. In September 2009, OET modified the waiver to allow more time for sale of the 300 units permitted under the waiver.

In the *Memorandum Opinion and Order (MO&O)* adopted today, the Commission rejects arguments made by FiberTower Corporation (FiberTower) with regard to the potential for interference to certain fixed microwave systems and accordingly denies its petition for reconsideration of the 2006 Order in most respects. It does grant FiberTower's request regarding the maintenance of ProVision 100 installation records by clarifying that L-3 SafeView must continue to maintain a list of all installed ProVision devices and update it following changes in device location and/or transfer of ownership to third parties subsequent to an initial sale. This list will be available to the Commission and the National Telecommunications and Information Administration upon request.

The Commission's decision today will allow continued marketing and operation of the L-3 Communications SafeView Inc. ProVision 100 security portal system.

"National security is one of the Commission's top priorities and the agency has an important role in promoting the development of innovative technologies to ensure the safety of the public," said Chairman Julius Genachowski. "With this action, we are helping to ensure that

security personnel have access to the most cutting-edge equipment for protecting the public, while still preventing interference to other vital interests.”

Action by the Commission, January 14, 2010, by Memorandum Opinion and Order (FCC 10-13). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker.

ET Docket No. 04-373.

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